

Rafael Barreto  
V-96693/11-123  
P.O. Box 409060  
Ione, CA  
95640

IN PRO PER

**FILED**  
APR 17 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAFAEL BARRETO

Plaintiff,

vs.

M. MARTEL, WARDEN (A)

Defendant.

CV 08 2008

PRISONER'S  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS

MHP  
(PR)

E-filing

I, Rafael Barreto, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes \_\_\_ No XX

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer: 2003

Gross: 35,000 Net: 28,000

Employer: Can not remember

If the answer is "no," state the date of last employment and the amount of the gross and net salary

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1 and wages per month which you received. (If you are imprisoned, specify the last place of  
2 employment prior to imprisonment.)

3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_

6 2. Have you received, within the past twelve (12) months, any money from any of the following  
7 sources:

8 a. Business, Profession or Yes \_\_\_\_ No XX  
9 self employment

10 b. Income from stocks, bonds, Yes \_\_\_\_ No XX  
11 or royalties?

12 c. Rent payments? Yes \_\_\_\_ No XX

13 d. Pensions, annuities, or Yes \_\_\_\_ No XX  
14 life insurance payments?

15 e. Federal or State welfare payments, Yes \_\_\_\_ No XX  
16 Social Security or other govern-  
17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount  
19 received from each.

20 \_\_\_\_\_  
21 \_\_\_\_\_

22 3. Are you married? Yes \_\_\_\_ No XX

23 Spouse's Full Name: \_\_\_\_\_

24 Spouse's Place of Employment: \_\_\_\_\_

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ \_\_\_\_\_ Net \$ \_\_\_\_\_

27 4. a. List amount you contribute to your spouse's support : \$ \_\_\_\_\_

28 b. List the persons other than your spouse who are dependent upon you for support

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1 and indicate how much you contribute toward their support. (NOTE: For minor  
 2 children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

3 \_\_\_\_\_  
 4 \_\_\_\_\_

5 5. Do you own or are you buying a home? Yes \_\_\_\_ No XX

6 Estimated Market Value: \$ \_\_\_\_\_ Amount of Mortgage: \$ \_\_\_\_\_

7 6. Do you own an automobile? Yes \_\_\_\_ No XX

8 Make \_\_\_\_\_ Year \_\_\_\_\_ Model \_\_\_\_\_

9 Is it financed? Yes \_\_\_\_ No \_\_\_\_ If so, Total due: \$ \_\_\_\_\_

10 Monthly Payment: \$ \_\_\_\_\_

11 7. Do you have a bank account? Yes \_\_\_\_ No XX (Do not include account numbers.)

12 Name(s) and address(es) of bank: \_\_\_\_\_

13 \_\_\_\_\_

14 Present balance(s): \$ \_\_\_\_\_

15 Do you own any cash? Yes XX No \_\_\_\_ Amount: \$ 250.00

16 Do you have any other assets? (If "yes," provide a description of each asset and its estimated  
 17 market value.) Yes \_\_\_\_ No XX

18 \_\_\_\_\_

19 8. What are your monthly expenses? NONE

20 Rent: \$ \_\_\_\_\_ Utilities: \_\_\_\_\_

21 Food: \$ \_\_\_\_\_ Clothing: \_\_\_\_\_

22 Charge Accounts:

23 Name of Account Monthly Payment Total Owed on This Acct.

24 \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

25 \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

26 \_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

27 9. Do you have any other debts? (List current obligations, indicating amounts and to whom  
 28 they are payable. Do not include account numbers.)

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1 NONE

2  
3 10. Does the complaint which you are seeking to file raise claims that have been presented in  
4 other lawsuits? Yes \_\_\_ No xx

5 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which  
6 they were filed.  
7  
8

9 I consent to prison officials withdrawing from my trust account and paying to the court the  
10 initial partial filing fee and all installment payments required by the court.

11 I declare under the penalty of perjury that the foregoing is true and correct and understand  
12 that a false statement herein may result in the dismissal of my claims.

13  
14 March 5, 2008

15 DATE

Rafael Barreto

16 SIGNATURE OF APPLICANT  
17  
18  
19  
20  
21  
22  
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27  
28

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Case Number: \_\_\_\_\_

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In Pro Per

**CERTIFICATE OF FUNDS**  
**IN**  
**PRISONER'S ACCOUNT**

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Rafael Barreto for the last six months at  
[prisoner name]  
Mule Creek State Prison where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 0.

Dated: 4/10/08

B. Hise, CCI  
[Authorized officer of the institution]

REPORT ID: 183030 701

REPORT DATE: 04/07/08  
PAGE NO. 1CALIFORNIA DEPARTMENT OF CORRECTIONS  
MULE CREEK STATE PRISON  
INMATE TRUST ACCOUNTING SYSTEM  
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JAN. 01, 2008 THRU APR. 07, 2008

ACCOUNT NUMBER : V96693  
ACCOUNT NAME : BARRETO, RAPHAEL  
PRIVILEGE GROUP: A  
BED/CELL NUMBER: 01100000000123L  
ACCOUNT TYPE: F

## TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
01/01/2008		BEGINNING BALANCE					404.43
01/22	FR01	CANTEEN RETUR	702669			1.90-	406.33
01/22	FC03	DRAW-FAC 3	C/3RD 2690			20.00	386.33
02/19	FC03	DRAW-FAC 3	C/3RD 3027			30.00	356.33
03/10	W516	LEGAL COPY CH	0306 3219			6.80	349.53
03/24	FC03	DRAW-FAC 3	C/3RD 3429			30.00	319.53
04/02	W516	LEGAL COPY CH	0329 3525			6.70	312.83
04/02	W415	CASH WITHDRAW	C/R 3544 174816811			300.00	12.83
04/03	W512	LEGAL POSTAGE	0331 3557			2.67	10.16

## TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
404.43	0.00	394.27	10.16	0.00	0.00

CURRENT  
AVAILABLE  
BALANCE

10.16